

9-3-15

TAUNTON PLANNING BOARD MINUTES

CITY HALL, TAUNTON, MA 02780

Meeting held at Maxham School, 141 Oak St,

DATE: September 3, 2015

BOARD MEMBERS: Bob Campbell, Chrmn. Dan Dermody
Anthony Abreau, V.C. Arthur Lopes
Manuel Spencer, Clerk Joshua Borden
John Reardon

ADVISORS:

Mark Slusarz, City Engineer
Kevin Scanlon, City Planner

Roll Call: Abreau, Reardon, Dermody, Campbell, Spencer, Lopes, and Borden present Also present was City Engineer Mark Slusarz. Meeting opens at 5:30 PM

Josh made motion to accept minutes of August 6, 2015 seconded by Tony. All in favor.

Public Hearing – Form J –Waiver of Frontage Requirements – No. Walker Street – Property I.D. 63-64 – submitted by Antonio Lima

Meeting opens at 5:30 pm. Roll Call: Spencer, Dermody, Lopes, Abreau, Reardon, Borden and Campbell present. Clerk Spencer read public hearing notice and dept. comments from City Planner, Conservation Commission and Engineer which were placed on file.

Paul Patneade was invited into the enclosure. He represents owner who went to the ZBA for the division of the lot and now needs waiver of frontage. Josh asked if this was across from cemetery? Paul answers yes, just left of the fire station. Josh suggests adding a northerly Mass. State Plane Coordinate. John asked if lot will be serviced by water & sewer? Paul answers there is no sewer and they may want well. Tony stated if future subdivision they will need to bring 8"main. Paul stated 2 brothers own and will in future develop as subdivision. Dan stated they will need road opening permit. Manny asked if each lot will be single family?

They have divided this for family and son will build house. Bob asked about driveway into parcel? If they put another lot they will need Special Permit for common driveway. Bob stated there must be easement over other lot. Paul said there will be but it hasn't been recorded yet. Karen Patneade, P.E. stated the subdivision will be in future (5 years) These lots were created by Form A. granted by default. Josh made motion to open public input, seconded by Dan. No one in favor or opposed Dan made motion to close public input, seconded by Josh. Bob stated that Kevin's letter deals with the easement.

Dan made motion, seconded by Josh to approve the Form A with the following conditions.

- A copy of the recorded access and utility easement must be provided to the Planning Board Office prior to the issuance of any building permit. Also that the easement language specify the responsibility for snow removal and maintenance of the driveway of the portion not on Lot 4B.
- The plan must show the Mass. State Plane Coordinates on the concrete bound or iron rod.
- The lot will be serviced by a well or will be required to install an 8" main.

All in favor. Hearing closes at 5:45 PM.

Public Meeting - Site Plan Review – 48 Broadway – Taunton Service Center – the addition of auto sales retail (7 vehicles) with a waiver of landscaping, in conjunction with the existing uses of convenience store, service station and gasoline station. REQUESTING A CONTINUANCE . . .

Letter from Atty.Thomas requesting a continuance so he can go back to ZBA for modification.

Arthur made motion to allow continuance, seconded by Dan. All in favor. This is case is schedule for ZBA on September 17, 2015.

Petitioner will notify Board when ZBA is completed.

Public Meeting – Site Plan Review – Charles F. Colton Road – Lot 3A – Assessor’s Map 19-Lot 48) for a 7,000 sq. ft. service building to be used as a canine training facility with 24 off-street parking spaces, on-site stormwater management systems and public utility connection, submitted by Martignetti Companies, owned by Taunton Development/MassDevelopment Corp.

Manny read DIRB comments into the record. Atty. David Gay, Bob Field, Field Engineering and Hank Suominen from Martignetti Companies. Clerk Spencer read dept. letters from Fire Dept. and Veolia which were place on file. Atty. Gay stated they have incorporated the DIRB conditions into the updated plans. They have eliminated walking trail so that condition can be removed.

This proposal is to re-locate an existing business that is currently located in the park. The proposed building is a mirror image of the existing building. Atty. Gay stated the plans have been forward to Ms .Laughlin for review by her legal counsel. He asks the Board to hold off on filing the decision until the ZBA meeting scheduled for Sept. 17th. He stated in case the ZBA put conditions on it.

Bob stated the building is 7,000 square feet and the access 500 feet down Charles Colton Road. They will maintain as much vegetation as possible. They are proposing 24 parking spaces and the site will drain to the existing detention basin. No one in favor or opposed.

Dan made motion, seconded by Josh to approve with the following conditions:

Condition #1) That the plans dated April 10, 2015 shall govern with the following additional conditions:

Condition # 2) A set of updated plans shall be submitted that conforms to all the requirements of this decision before any building permit will be issued. Two sets are required.

Condition #3) Lighting shall no illuminate any portion of abutting properties.

Condition #4) The site shall be kept clean and clear of debris.

Condition #5) Two sets of As-Builts shall be submitted upon completion of all work on site and shall include certification notes and stamps by a Design Engineer (PE) and Land Surveyor (PLS) stating that the development has been built according to the approved plans. Plans shall show at least all of the information shown on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) The detention basin front shall be eliminated with as much vegetation retained as possible. The basin shall be replaced with a water quality structure.

Condition #7) The free-standing sign shall be shown on the plan.

Special Permit – 555 Constitution Dr. – for petroleum products storage – Need to send recommendation to Municipal Council

Atty. Jeff Tocchi, representing Dennis Burke, Inc. Bill Baird ,P.E., LSP, Web Engineering Associates, and Ted Burke This property is the former New England Ice Cream which contains 7 acres with a 52,000 sq. ft. building on it with a mezzazine. His client has a P&S to purchase it. They must go to the Municipal Council for approval. Currently the family owned business is located in Chelsea and has been delivering gasoline, diesel fuel and lubricant products since 1981. They run operations in Chelsea, Holyoke, Braintree, and South Portland, Maine. They have permit for 750,000 gallons of gasoline, which they won’t use but they have to assume entire tanks are full. The Class 1 comes in boxes and goes out on truck. The trucks may occasionally be parked there.

They are requesting 20 trailers and 20 straight trucks be allowed. They will be registered in Taunton. There will be 31 smaller vehicles. Currently overall there is 140 corporate employees and 50 office workers and planning on crease to 60. They met with TDC and they expressed their support (No letter yet) They will comply with all Federal and State Regulations. All work will be confined to inside. Class III is no flammable and it’s mostly storing diesel addative which is not toxic or flammable. There will be 10,000 gallons which is pre-packaged inside and go into boxes. The facility will have 12 Diesel Exhaust Fluid above ground storage tanks (Not flammable & not regulated as a hazardous materials), pallet storage area for the storage on pallets of drums (55 gals) pail, (5 gals) and case good, as well as totes (250-350 gals), storage area for empty ski tanks (250 gals-500 gals) (these are stored empty and delivered to clients) motor oil and hydraulic oil aboveground storage tanks to be located within a Class III liquid containment area; and a product transfer area located within the containment area where all pumping activities will occur, i.e. product received by trailer is pumped into the bulk storage tanks for future repackaging into smaller containers. The total proposed petroleum storage is 750,000 gallons, with 200,000 gals to be stored in tanks. This is the total maximum capacity and will not reflect the actual volume of material stored on site, which will be substantially less. The site will be designed to comply with all Federal, State and local requirements including EPA’s SPCC requirements, the Mass. Fire Code which incorporates the requirements of the Nat’l Fire Protective Association (NFPA) and the Taunton Board of Health Hazardous Materials Control Regs.

The regs required you design for failure of one tank. Each tank is inspected every day. Captain Bastis, Fire Inspector stated he has been in discussions for several months and they have shown a history of excellence. He took a looked at what was proposed and it’s not as dangerous as it looks. The State Fire permit has to assume they are all “full” but they will not be. He is impressed with the presentation and they have a good reputation. Arthur asked if this is strictly wholesale and no retail. They answered yes. Tony asked about tankers being parked overnite? 99% of the time they will be empty but the permit application assumes they are full.

There will be no outside storage and there will be fencing all around. John asked if once in a while will there be a tanker truck there? The fleet will fuel up from Braintree, Providence or Seekonk. There will be security behind the fence with vision blockers and guard

shack. Manny asked about the amount of gallons and if there is spill.? City Engineer states this presentation is for the recommendation to Council. Not the Site Plan Review. Bill Webb stated 750,000 gallons will be inside and they have precautions for spills.

All the catch basins hoods and stormceptors are designed to hold oil. If a accident happens they have full-time safety director/

Safety if our business and they take it serious. Bob asked if any gasoline is on site? No gas inside, there will be outside storage per DOT 55 gallon drums, (20,000 gals. Methanol) Bill stated the trailers will be empty but will have gas vapors. If punctured vapors will be released. They are sealed and can handle vapor pressure. Bob asked about the 20 10,000 gallons tanks if they spilled? Bill explained the process. Bob stated he is nervous about the big number on the application.

Dan made motion to send a positive recommendation to the Municipal Council, Seconded by Jsah. All in favor.

Cont'd. Site Plan Review – 30 Mozzone Blvd. – We Care Environmental LLC. owner DnDaRosa.Trustee – 46,000 sq.ft. of the easterly portion of the building together with parking of vehicles outside by 2 tenants.

Letter requesting to withdraw without prejudice.

Arthur made motion to allow petition to be withdrawn without prejudice. Seconded by Josh. All in favor.

Mello's Farm Road – Request for Lot releases – holding 0 surety. Request to release 6 of the 16 lots.

Clerk Spencer read dept. comments from the City Planner and outside consultant Greenman-Pedersen into the record which was placed on file. Paul Patneau representing Mr. Bairos was invited into the enclosure. They are asking for 6 lots to be released.

Paul stated petitioner has road and utilities done which is a major investment. He is suggesting releasing 6 lots tonight with no surety required and the next 8 lots post \$25,000 per lot and post \$100,000 for last lot. Manny stated that results is us not asking for \$11,000 per lot as the City Planner as suggested. Manny stated so if we release lots tonight we are still holding lots.

Josh made motion to release 6 lots with no surety at this time, next 8 lots post \$25,000 per lot and post \$100,000 for last lot.

Seconded by Dan. All in favor.

Hoover Street Extension – Request for Street Acceptance – must forward recommendation to Municipal council (from last month) – John Garanito. –.

Chairman Campbell stated last month the Board neglected to forward a recommendation for this.

Josh made motion to forward a positive recommendation to the Municipal Council to accept Hoover Street Extension as a public street. Seconded by Dan. All in favor.

Update on Winthrop Heights.& River Pines

Josh disclosed that he has a client building house in Winthrop Heights. John excused. Clerk Spencer read letter from developer updating on River Pines, Roundtable Lane and Winthrop Heights. He also read petition signed by abutters in Winthrop Heights. Richard Feodoroff was invited into the enclosure. He stated he was here in Spring talking to Board about completion of the above mentioned subdivision. The Board spoke about Winthrop Heights. Mr. Feodoroff stated he was going to start paving front of subdivision but now he is proposing to start from back to front. His plan was to work with Jack Gasper. He thinks they will be paving about 1,000 feet and have seem then continue paving. There are more houses in the beginning to Craven Court cul-de-sac.

Manny recalls last fall there was another development off Cohannet Street that used Jack Gasper and that development is completed finished. Manny said you assured this Board that it would be done by June and we expected you to keep your word. Manny stated a lot of neighbors are upset and have called him complaining. Many stated he has been at the subdivision on several occasions and he was there today and he sees why the neighbors are upset. He referenced #93, 125, 18 and 203 that there is grass overgrown on sidewalks, and a lot of roadwork needs to be done. He suggests pulling bond. Mr. Feodoroff stated he has not received any complaints. He stated there was a recession and the legislature has extending time. Mr. Feodoroff stated he has been developing property in Taunton since 1981 and has done 18 projects and he said the streets are NOT deplorable at Winthrop Heights. He also pointed out there is no burden on City services. Robert Murphy, representing his daughter at 136 Alanita Drive stated the residents have a legitimate complaint. This is an upscale subdivision but it's not now. Tony agrees he knows of a paving company that can get it done. Josh agrees this needs to be completed it's not in the best condition. Bob stated you can pave roadway even though the castings have been raised. He would recommend doing it all at one time. Malessa Strachan, 155 Craven Court stated the entrance is all overgrown and she cut it (then the develop cut it) so you could see the sign. Tom Pease, 70 Craven Court stated there is a drainage issue on Winthrop Heights Drive. There is a 600 square foot section that is a "skating rink". Mr. Feodoroff stated each department will be asked to inspect subdivision and come back with what needs to be done. Frederick Dryer, 57 Craven Court stated the streets are a mess. The water department can't fix holes. He stated Mr. Feodoroff is not a man of his word with him. He has had his own experiences with him and he humiliated him and all he wanted was a justifiable solution. Mr. Feodoroff asked Mr. Dryer to tell them the whole story and Chairman Campbell stated don't make it personal. Karen Pemberton, 86 Craven Court stated it's a beautiful subdivision and she asked that personal vendettas should not be heard. She asks that the work just be completed.

Patti Richardson stated she just wants the roads done. There was some discuss between Mr. Feodoroff and Ms. Richardson.. The Chairman asked that they don't make it personal. It was stated give the developer one month to complete. Mr. Feodoroff stated he can't get it done in one month. Several Board members voiced their concerns with the abutters having to deal with this for years.

Mr. Feodoroff stated he is well within the time frame to complete, referring to the State Legislature giving extra time due to the economy. Mr. Feodoroff stated November 1st would be a reasonable time. Manny asked about the extension he was referring

to. After some discussion Manny made motion to refer to the Law Dept. if this subdivision falls is entitled to that extension and if not they will put bond in month if not completed.

Tony made motion to give him one month for completion, October 1st, seconded by Josh. All in favor.

E-5 - Roundtable Lane Extension – 3 lots – holding \$40,000 – Richard Feodoroff.

Richard Feodoroff was invited into the enclosure. Dept. comments from TMLP, B.O.H., Fire Dept. Engineer and City Planner were read into the record and placed on file. Mr. Feodoroff stated the extension of this road is going to remain private so how do they release their mylar deposit. Chairman Campbell stated since it's going to be private there will be no public hearing for street acceptance. They have As-Built already.

Dan made motion to release all monies including mylar deposit, seconded by Arthur. All in favor.

E-5 – Clifton Street Extension – 10 unit condo development – Requesting release of all monies (holding \$35,000) submitted by developer Patrick Landry

Josh excused. Patrick Landry was invited into the enclosure. Dept. comments from Conservation Commission, City Planner, B.O.H., Fire Dept. were read into the record and placed on file. The As-Built was submitted in 2013.

Tony made motion to release all monies once confirmation is received from DEP. Seconded by Arthur. All in favor.

Steve Drive – Update

Steve Perry was invited into the enclosure. He has been doing some work on sidewalks. He is having trouble getting permission to move mailboxes which are on sidewalks. He has done some handicapped ramps and paved about 1900 feet of Manken Road.

Engineer stated he needs to go back and cut in for ramps. Steve agreed. He has been told by the Post Office that he cannot remove mailboxes because they are not his property but yet he is responsible for subdivision. He is frustrated and Arthur suggested he contact Joe Kennedy in Attleboro about this. It was also pointed out that there are several stone walls that are 2 feet in the sidewalk. Perhaps he can ask for a AAB waiver? Arthur asked about putting cluster mailboxes at entrance? Steve said he wanted to do that but residents don't want it. The Board suggested telling residents he needs to let them know about Federal ADA and then maybe they won't mind cluster mailboxes. John asked about sidewalk and Steve stated there is a binder coat but some spots have heaved from frost. It was noted that an overlay was done near new house. John asked City Engineer about sewer pipes and water? There was a water main break a few weeks ago. Chairman Campbell stated the utilities should be conveyed to the City once done. John asked about street lights and who is responsible? Steve stated he is not paying for any street lights. He did point out some of the lots were sold to contractors and they built house. It was pointed out the little lip at end of driveways needs to be milled in and blended. Motion made and seconded to Request a written update for November meeting.

Chairman Campbell stated they need to determine if Goward Road which was recently paved is compliant with the approval. Tony stated he has no issue with it. John and Manny both thought the condition as stated has not been met. Chairman Campbell stated it's good the way it is. It might be slightly off but in his opinion it meets the condition. It's not detrimental with it being ½ foot short.

John and Manny both thought it should be 18 feet wide as the condition stated.

Motion to find that the condition was met complied with.

3 in favor, 2 opposed. Chairman Campbell agrees the condition has been met.

Meeting adjourned at 8:20 PM